IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Bail Appl..No. 182 of 2007()

LPC.43/2005 of J.M.F.C.,PARAPPANANGADI
CRIME NO.104/91 OF TIRURANGADI POLICE STATION.

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PETITIONER/4TH ACCUSED IN LPC 43/2005:

SHAREEF, S/O. MOHAMMED,
AGED 43 YEARS, MUKRIVEETTIL, POST MAMPURAM,
TIRURANGADI, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENT: STATE:

STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING THE
SUB INSPECTOR OF POLICE,TIRURANGADI POLICE STATION
MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 182 OF 2007

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DATED THIS THE 15th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the 4th accused in Crime No.104/91 of Tirurangadi Police Station for offences punishable under sections 143, 147, 148, 323 and 324 read with section 149 IPC, seeks anticipatory bail.

2. Admittedly, the case against the petitioner has been transferred to the long pending register, registered as L.P.C.No.43/05 on the file of J.F.C.M., Parappananadi and non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and file an application for regular bail within two weeks from today, the same shall be considered and disposed of on merits, despite the non-bailable warrant of arrests pending and shall be disposed of preferably on the same date on which it is filed after examining the grievance

of the petitioner that no summons was received by the petitioner and also after examining the contention of the petitioner that the co-accused in the case have already been acquitted.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn